

Application No. 10/718,393
Amendment Dated: May 30, 2007
Reply to Office Action of: November 30, 2007

REMARKS/ARGUMENTS

Claim 21 is amended. Claims 1-7, 14-20 and 22 are allowed. Claims 21 and 23 are pending for consideration. In the Final Action dated November 30, 2006, claims 1-7, 14-20 and 22 were allowed. Claims 21 and 23 were rejected as being anticipated by Bublewitz et al., US Patent 6,352,177 ("Bublewitz").

In the initial response after Final Action, Applicant asserted that claims 21 and 23 were neither anticipated nor obvious in view of Bublewitz. However, in the Advisory Action dated April 17, 2007, the Examiner disagreed and stated as follows:

In patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification". According to Merriam-Webster Dictionary, the definition of "fastened" encompasses "to attach or to make fast and secure, to cause to hold together". In figure 7 Bublewitz shows a mixing helix as fastened to a transverse wall and on page 6, line 26 onto page 7, line 1 of the applicant's argument stated 1/29/2007, the Applicants admit that "the mixing helix abuts the transverse wall 60). Since the claimed terminology is broad enough to encompass to cause to hold together or to attach or to make fast and secure or to support (abut), then the fastened of the mixing helix to the transverse wall of Bublewitz meets at least one of the above definition. Therefore, the claim limitation is fairly met".

Applicant has amended claim 21 to clarify the relationship between the mixing helix and the transverse wall and the "fastened" feature.

Claim 21 as amended recites as follows (emphasis added):

A device for mixing and dispensing multi-component compositions-comprising:

a cartridge with at least two cylindrical chambers arranged in parallel, each having a plunger and an outlet opening;
a transverse wall disposed between said outlet openings;
a movable cap having an outlet tube, said cap being movable between a closed position to an open position; and
a mixing helix disposed within said outlet tube,
wherein said mixing helix is fastened to said transverse wall and is not detachably removable therefrom.

As recited in the claimed device, the mixing element is fastened to said transverse wall and is not detachably removable therefrom. Consequently the mixing helix and transverse wall are one piece of a unit. By contrast in the device of Bublewitz, wherein the Examiner refers to the transverse wall of Figure 7, if the mixing unit 132 is connected with the device containing the supply container, the mixing helix abuts the transverse wall 60. However, if the mixing unit 132 is removed, the mixing helix is removed from the abutting relationship with the transverse wall. The mixing unit 132 is described as only a disposable article at Bublewitz, col. 6, lines 32-37. In other words, there is no teaching of a fastening connection between the mixing helix and the transverse wall which does not permit detachable removal of the mixing element. Any analogous Bublewitz mixing element is merely temporarily retained against any analogous transverse wall. It is clear when the Bublewitz reference is considered in its entirety that removal of the Bublewitz mixing element is required. Consequently, Applicant respectfully submits that claim 21 is patentably distinguishable over the Bublewitz reference.

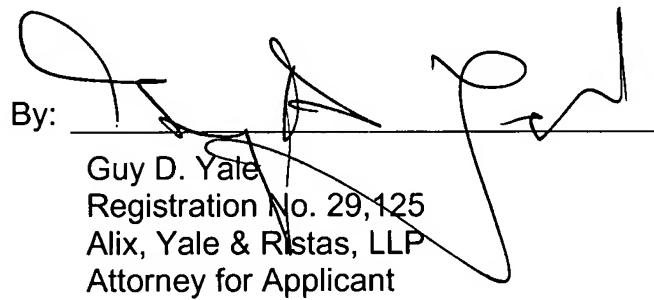
Claim 23 which depends on claim 21 is likewise patentable over the Bublewitz reference.

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Applicant respectfully requests that the Examiner withdraw the rejection of claims 21 and 23. The remaining claims have already been deemed allowable. Accordingly, Applicant requests that the Examiner issue a Notice of Allowance in due course.

Respectfully Submitted,

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